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HUYNH, NAM TRUNG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,761

Applicant(s)

TOLLI ET AL.

Examiner

NAM HUYNH

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 35-38, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 35-38, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 12/3/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 12/3/2008. Of the previously presented claims No amendments were made to the previously presented claims 1-17, 35-38, 46, and 47; claims 1,14, 37, and 47 have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-17, 36-38, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (US 6,990,344) (hereinafter Dolan) in view of Palenius et al. (US 2002/0019231), and further in view of Barnett et al. (US 5,428, 816) (hereinafter Barnett).

Regarding claim 1, Dolan teaches a method comprising: providing information (MAHO measurements) (column 3, lines 55-60) associated with a plurality of radio access means (cells) (column 3, lines 1-41) in a communications system to a network element of the communications system (MSC1) (column 4, lines 27-36), said information based on a plurality of parameters associated with each of the plurality of radio access means for serving a mobile station (column 1, lines 39-49; downlink measurements), wherein a radio access means radio access means of the plurality of radio access means includes a plurality of cells (column 3, lines 1-41), and further wherein the plurality of radio access means use different communication methods (column 3, lines 1-41; first and second cellular networks);

ordering the radio access means based on said information (column 5, lines 38-56);

selecting a target radio access means of the plurality of radio access means based on the ordering (column 6, lines 11-20);

However, Dolan does not explicitly teach sending a request to the mobile station sending a request to the mobile station to perform compressed mode measurements at the mobile station based on the selected target radio access means, said measurements for selecting a cell associated with the selected target radio access means. Palenius et al. discloses a method and device for improved handover procedures in mobile communications systems (title). In the scope of the invention, an access network comprises several base stations (plurality of radio access means) and a control node (RNC or network element) (page 5, paragraph 45). In a first step of the

method in a handover process, the access network commands the terminal to perform measurements for a selected measurement set of cells (page 6, paragraphs 50, 55), which may include parameter settings for a compressed mode (performing compressed mode measurements at the mobile station) (page 6, paragraph 51). In response to this command, the terminal determines a measurement set that includes a defined number of cells (page 6, paragraph 53) and performs measurement of cell quality, which may include a plurality of measurement results (page 6, paragraph 56) for the cells included in the measurement set and transmits the results to the access network for further evaluation in a handover procedure (page 6, paragraph 55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dolan to include performing compressed mode measurements, as taught by Palenius, on the handover candidate cells that were prioritized, in order to suspend data transmissions of the mobile station when the mobile is to make measurements on cells of different frequency bands or systems (page 1, paragraph 7).

The combination of Doan and Palenius does not explicitly teach that the ordering of the radio access means are created with a prioritized ordering and selected based on the created prioritized ordering. Barnett discloses a method and apparatus for mobile assisted handoff. Barnett teaches that cells of a candidate handoff list are assigned a handoff measurement priority (abstract; column 5, lines 34-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Dolan and Palenius to include prioritization of the measurement order list, as taught by Barnett, in order to arrange the cells in a preferred

order for measurement and handover. This modification allows a handoff candidate to be found faster and more efficiently which would reduce power usage and resources of the mobile station since the most preferred cells are pre selected.

Regarding claim 2, Dolan teaches the selection is for handover of the mobile station from a first radio access means to a second radio access means (column 6, lines 26-41).

Regarding claim 3, Dolan teaches the first radio access means operates at a first frequency of a radio access technology and the second radio access means operates at a second frequency of said radio access technology (column 3, lines 1-41).

Regarding claims 4 and 7, Palenius teaches the radio access technology is code division multiple access (page 1, paragraph 5).

Regarding claims 5 and 8, Dolan teaches the radio access technology is wideband code division multiple access (column 7, lines 5-14).

Regarding claim 6, Dolan teaches the first radio access means operates in accordance with a first radio access technology, and the second radio access means operates in accordance with a second, different, radio access technology (column 3, lines 1-41).

Regarding claim 9, Dolan teaches the second radio access means comprises a second plurality of cells (column 3, lines 20-41), and Palenius teaches the compressed mode measurements comprise signal strength measurements of at least one of said second plurality of cells (pages 5-6, paragraph 50).

Regarding claim 10, Dolan teaches the second radio access means comprises a second plurality of cells (column 3, lines 20-41), and the compressed mode measurements comprise signal strength measurements of at least one of said second plurality of cells (page 4, paragraph 68), and Palenius teaches the compressed mode measurements comprise decoding a parameter associated with at least one of the second plurality of cells (page 7, paragraph 62).

Regarding claim 11, Palenius teaches the parameter is the base station identification code associated with one of the plurality of cells (page 7, paragraph 62).

Regarding claim 12, Palenius teaches the plurality of parameters further comprises at least one of the following: a real time load, a non real time load, or a signal to interference ratio (page 1, paragraph 4).

Regarding claim 13, Dolan teaches the information comprises a weighting value (column 5, lines 23-56).

Regarding claim 14, Dolan teaches the plurality of parameters comprise the service priority weight is associated with a suitability of the radio access means in providing a service requested by the mobile station (column 5, lines 23-56).

Regarding claim 15, Dolan teaches the network element is a radio network controller (page 5, paragraph 83).

Regarding claim 16, Dolan teaches the information is provided by a common resource radio management (column 4, lines 15-26; MSC1).

Regarding claim 17, Dolan teaches the common resource radio management is a common radio management server (column 4, lines 15-26; MSC1).

Regarding claim 36, Dolan teaches selected target radio access means comprises a second plurality of cells (column 3, lines 20-41), and Palenius teaches the compressed mode measurements comprise signal strength measurements of at least one cell of the second plurality of cells (page 4, paragraph 68), the method further comprising selecting a handover cell of the second plurality of cells based on a highest signal strength measurement (page 4, paragraphs 74-78).

Regarding claim 37, the combination of Dolan and Barnett teaches ordering the radio access means is further based on a type of service requested by the mobile station (Dolan column 5, lines 14-21) and Barnett teaches prioritization of the measurement list (abstract).

Regarding claim 38, Dolan teaches the plurality of parameters comprise a service priority weight that is associated with each of the radio access means and that comprises a suitability of a selected radio access means in providing a service requested by the mobile station (column 5, lines 38-56).

Regarding claim 46, Palenius teaches triggering a handover of the mobile station to the cell selected based on the compressed mode measurements at the mobile station (page 7, paragraph 62).

2. Claims 35 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (US 6,990,344) (hereinafter Dolan), Palenius et al. (US 2002/0019231)

(hereinafter Palenius), and Barnett et al. (US 5,428,816) (hereinafter Barnett) as applied to claim 1 above, and further in view of Lemson (US 5,655,217).

Regarding claim 35, The combination of Dolan, Palenius, and Barnett teaches the limitations set forth in claim 1, and teaches performing measurements on a plurality of radio access means based on an ordering (Palenius page 7, paragraph 59) but does not explicitly teach:

determining if performing the compressed mode measurements at the mobile station is successful;

if performing the compressed mode measurements is unsuccessful, selecting a second target radio access means of the plurality of radio access means based on the ordering; and

performing second compressed mode measurements at the mobile station based on the second selected target radio access means, said second measurements for selecting a second cell associated with the selected second target radio access means.

Lemson teaches handover procedure comprising determining if measurement data comprises an excessively high signal level and/or noise bursts. In this condition, the measurements are repeated (figure 5 and column 17, lines 29-59). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Dolan, Palenius, and Barnett to include verification of measurements, as taught by Lemson, in order to reduce the potential for spurious responses and increase measurement accuracy.

Regarding claim 47, it is further obvious that when the mobile station detects a spurious measurement, as taught by Lemson, it can notify the RNC or CRRM of Dolan to choose another cell to measure.

Response to Arguments

3. Applicant's arguments with respect to claims 1-17, 35-38, 46, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/
Examiner, Art Unit 2617